

Attorney Docket No. 2000/16 CIP 2
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
PATENT EXAMINING OPERATIONS

Art Unit: 1733

Applicant: Mabrouk Ouederni, *et al.*

Title: AIR-LAID WEB WITH HOLLOW SYNTHETIC FIBERS

Charlotte, North Carolina

November 4, 2003

Honorable Commissioner of Patents
Washington, DC 20231

Dear Sir:

PETITION FOR FILING OTHER THAN THE INVENTORS

UNDER 37 C.F.R. 1.47(a)

Applicant Paul Latten hereby petitions the Commissioner to accept the above-identified U.S. Patent Application by other than all of the Inventors.

An affidavit is attached hereto providing proof of the pertinent facts concerning the unavailability of the co-inventor to join in the present application for the patent.

The names and last known address of the co-inventor unavailable to join in this application are as follows:

1. Mabrouk Ouerderni
6252 North Orange Drive
Charlotte, North Carolina 28277

The invention was developed in conjunction with and under the authorization of Arteva North America S.à.r.l., a corporation organized and existing under the laws of the Country of Luxembourg, (hereinafter “Arteva”) by Mabrouk Ouerderni and Paul Latten, both full time employees of Arteva at the time of the invention was made. Each inventor was under the obligation to assign the current invention to Arteva or its designee.

Upon information and belief, based on the precedent discussed below, Arteva is entitled to clear title to the invention and to the above-identified patent application and any patent which issues thereon. The Supreme Court of the United States in Solomons v. United States, 137 U.S. 342, 346 (1890), held:

“If one is employed to devise or perfect an instrument, or a means for accomplishing a prescribed result, he cannot, after successful accomplishing the work for which he was employed, plead title thereto as against his employer. That which he has been employed and paid to accomplish becomes, when accomplished, the property of his employer. Whatever rights as an individual he may have had in and to his inventive powers, and that which they are able to accomplish, he has sold in advance to his employer.”

Since Mabrouk Ouerderni was employed by Arteva to develop an air-laid web with hollow synthetic fibers, the invention belongs to Arteva. Each individual inventor who contributed to the development of the system and method has a duty to jointly execute an application for patent covering the device and to assign the invention, patent application, and any patent which issues thereon to Arteva.

A Declaration and Power of Attorney document was prepared and submitted to the inventor Paul Latten for signature. Declaration and Power of Attorney was not submitted to inventor Mabrouk Ouerderni since after conducting a due diligence investigation to determine the

whereabouts of Mabrouk Ouederni, he was unable to be located.

In view of the unavailability of Mabrouk Ouerderni to execute the papers required to file the present patent application, Paul Latten is believed to be entitled to make such application on behalf of and as agent for co-inventor Mabrouk Ouerderni.

The required fee pursuant to §1.17(h) is enclosed.

Respectfully submitted,



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